

Appl. No. 10/701,199
Response dated Oct. 21, 2005
Action mailed April 21, 2005

PATENT APPLICATION
Attorney Docket No. 37955XF

REMARKS/ARGUMENTS

This Response has not amended or added any claims. Consequently, this filing has not generated any additional claim fees. It is believed, however, that a three-month extension of time is required. Accordingly, a Petition for a three month extension of time accompanies this Response.

Sections 3 and 4 of the Office Action reject pending claims 1-7, 9-13, 15-21, 23-29 and 31-34 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,513,264 (Wang et al.). Applicant respectfully disagrees with this rejection. The pending claims are supported by the disclosure of parent U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is April 5, 1994, and it was issued as a patent on April 30, 1996. Thus, the §102(b) requirement that the patent reference have a date more than one year prior to the date of the pending application is not satisfied by the Wang et al. reference.

Sections 5 and 6 of the Office Action reject pending claims 8, 16 and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,513,264 (Wang et al.) in view of U.S. Patent No. 5,331,176 (Sant' Anselmo et al.). Applicant respectfully disagrees with this rejection. As noted above, the pending claims are supported by the disclosure of parent U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is April 5, 1994, and it was issued as a patent on April 30, 1996. The filing date of the

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Sant' Anselmo et al. reference is April 10, 1992, and it was issued as a patent on July 19, 1994. Thus, neither Wang et al. nor Sant' Anselmo anticipate the pending claims.

Section 7 of the Office Action rejects pending claims 14, 22 and 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,513,264 (Wang et al.) in view of U.S. Patent No. 5,373,148 (Dvorkis et al.). Applicant respectfully disagrees with this rejection. As noted, the pending claims are supported by the disclosure of parent U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is April 5, 1994, and it was issued as a patent on April 30, 1996. The filing date of the Dvorkis et al. reference is September 10, 1992, and it was issued as a patent on December 13, 1994. Thus, neither Wang et al. nor Dvorkis et al. anticipate the pending claims.

Section 8 of the Office Action states the view that the "instant application was filed long after the patenting of or abandonment of or termination of proceedings on the first application." Applicant believes, however, that the pending application is entitled to the March 12, 1992 filing date and that the cited references do not anticipate the pending application. Although the filing date of the pending application may be after the termination date of the 07/849,771 application, MPEP 201.08 states that an application may claim the benefit of an application similarly entitled to the benefit of the filing date of the first application. Thus, an application such as the pending application can secure the benefit of the filing date of a first application through a chain of one or more intermediate applications as long the requirements are met for each link in the chain. MPEP 201.11(III)(C) further clarifies the ability to claim priority through a chain of intermediate applications.

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The present cross reference section, as presented in the Application Data Sheet for example, establishes such a chain of priority. It is believed that each link in the priority chain meets the established requirements. Thus, the pending application can claim the benefit of the 07/849,771 application.

In conclusion, Applicant believes that the above remarks provide a complete response to the issues presented in the Final Office Action. Further, as a result of the demonstrated allowability of the claims, a Notice of Allowance is respectfully requested.

Respectfully Submitted,

October 21, 2005
Date

By


Michael F. Williams
Reg. No. 39,875

Simmons, Perrine, Albright & Ellwood, P.L.C.
115 First Street SE, Suite 1200
Cedar Rapids, IA 52401-1266
Telephone: (319) 366-7641 (ext. 222)
Facsimile No. (319) 366-1917